



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.1988 of 2016

and

C.M.P (MD) .No.9345 of 2016

Palanisamy ... Petitioner/ Petitioner/Plaintiff

vs.

Rajkumar ... Respondent /Respondent/Defendant

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the order and decretal order dated 24.08.2016 in I.A.No.113 of 2016 in O.S.No.270 of 2008 on the file of the learned Principal District Munsif-cum-Judicial Magistrate, Lalgudi and set aside the same.

For Petitioner : Mr.T.Pon Ramkumar
For Respondent : Mr.K.S.Vamsidhar

O R D E R

The revision petitioner is the plaintiff in O.S.No.270 of 2008 on the file of the District Munsif Court, Lalgudi. It is a suit for permanent injunction. The suit is between brothers. In the said suit proceedings, the revision petitioner wanted to mark a partition list, dated 26.08.1991 and filed an application in I.A.No.113 of 2016. But the Court below, by order dated 24.08.2016, dismissed the said Interlocutory Application filed for that purpose. Questioning the same, this civil revision petition came to be filed.

2.Heard the learned counsel on either side.

3.As pointed out by the learned counsel appearing for the revision petitioner, a learned Judge (as he then was) of this Court, in the decision reported in 2001 2 LW 255 (D.Sarasu Vs. Jayalakshmi and two others) permitted marking of a partition list. In fact in the said case, what was allowed to be marked was a photocopy of partition list. In the present case, the revision petitioner is having the original document itself. This is not a



new document that is sought to be introduced now. In the plaint itself there is a specific averment about the said document and the document was also annexed to the plaint. In this view of the matter, this Court is of the view that the petitioner can very well be permitted to mark the said document, subject to objection by the other side.

4.All the issues left open. The order impugned in this civil revision petition is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal District Munsif-cum-
Judicial Magistrate, Lalgudi.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC TO MR.T.PONKUMAR ADVOCATE IN S.R.NO.80219.

+1CC TO MR.K.S.VAMSIGHAR ADVOCATE IN S.R.NO.80950.

RMK

DS RP SAR-1:24.09.2018: 2P/6C

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